UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,454	01/30/2004	Richard Craig Beesley	038819.53225US	3942

23911   7590   01/30/2006

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER
DINH, KHANH Q

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/767,454	BEESLEY ET AL.
	Examiner	Art Unit	
	Khanh Dinh	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

   4a) Of the above claim(s) *13-24* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to the Reply filed on 12/27/2005.

Election/Restrictions

2.   Claims 13-24 are withdrawn from further consideration pursuant to 37 CFR

1.142(b) as being drawn to a nonelected Group II (claims 13-24), there being no

allowable generic or linking claim. Election was made **without** traverse in the reply filed

on 12/27/2005.

3.   Claims 1-12 are presented for examination.

Specification

4.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1 and 3-12 are rejected under 35 U.S.C. 102(b) as being anticipated by

Gabber et al. (hereafter Gabber), US pat. No.5,961,593.

As to claim 1, Gabber discloses a method of communicating over a public data network,

the method comprising:

transmitting to a remote server (110a fig.2) on the network a request for

communications application (substitute identifiers) stored on the server to be

downloaded a terminal (105a fig.2) connected to the network (see abstract, fig.2, col.5

line 47 to col.6 line 17);

receiving the communications application at the terminal (receiving the substitute

identifiers, see col.6 lines 17-51);

using the communications application communicate from the terminal over the

public data network; wherein, the communications application is configured such that

user input data, input to the communications application by user of the terminal, is

transmitted into the network without a record of the data being stored at the terminal

that data received at the terminal by the communications application from the network at

the request of the user is presented to the user without a record of the data being stored

at the terminal (allowing user terminal to anonymously browse server sites, see col.6

line 38 to col.7 line 38).

As to claim 3, Gabber discloses the communications application is for communicating

with web sites (see col.8 lines 3-63).

As to claim 4, Gabber discloses the communications application is downloaded by and runs within a further communications application provided on the terminal (see fig.2, col.7 lines 19-61 and col.8 lines 3-63).

As to claim 5, Gabber discloses wherein the further communications application Web Browser (see col.6 lines 17-58).

As to claim 6, Gabber discloses wherein the further communications application Web Browser (see col.6 lines 17-58).

As to claim 7, Gabber discloses the communications application is arranged to communicate with the public data network via a Web Browser application running on a remote server (see fig.2, col.6 lines 17-58 and col.8 lines 3-63).

As to claim 8, Gabber discloses the Web Browser application retrieving web pages from the network on behalf of the communications application and the communications application receives the Web Pages in a non graphical format from the Web Browser application (see fig.2, col.6 lines 17-58 and col.8 lines 3-63).

As to claim 9, Gabber discloses wherein no copy of the data transmitted to the network or received from the network by the application is cached at the terminal or written to

permanent memory at the terminal (anonymous browsing, see fig.2, col.7 lines 19-61

and col.8 lines 3-63).

As to claim 10, Gabber discloses wherein no record of a network address visited by the

application from the terminal is stored at the terminal (see fig.2, col.6 lines 17-58 and

col.8 lines 3-63).

As to claim 11, Gabber discloses wherein the network address is any an IP address,

domain name URL (see fig.2, col.6 lines 17-58 and col.10 lines 11-65).

Claim 12 is rejected for the same reasons set forth claim 1.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber in

view of Binding et al., US pat. No.6,694,431.

Gabber's teaching still applied as in item 8 above. Gabber does not specifically

disclose using Java applet. However, such applet is generally well known in the art as

disclosed by Binding (see col.1 line 62 to col.2 line 14 and col.7 lines 3-41). It would

have been obvious to one of the ordinary skill in the art at the time the invention was

made to implement Binding's Java into the computer system of Gabber to process data

information because it would have enabled users to access objects across the Internet

via URLs almost as easily as on the local file system and to provide capabilities for

several types of distributed network applications.

Response to Arguments

9.   Applicant's arguments filed on 12/27/2005 have been fully considered but they

are not persuasive.

- Applicant asserts that the cited reference does not disclose any limitation of claim

    1 such as " transmitting to a remote server on the network a request for

    communications application stored on the server to be downloaded a terminal

    connected to the network; receiving the communications application at the

    terminal; using the communications application communicate from the terminal

over the public data network; wherein, the communications application is configured such that user input data, input to the communications application by user of the terminal, is transmitted into the network without a record of the data being stored at the terminal that data received at the terminal by the communications application from the network at the request of the user is presented to the user without a record of the data being stored at the terminal.

Examiner respectfully disagrees. Gabber discloses a method having server sites capable of being browsed by users based on identifiers received into sites. Specifically, Gabber discloses a method of communicating over a public data network, the method comprising: transmitting to a remote server (110a fig.2) on the network a request for communications application (substitute identifiers) stored on the server to be downloaded a terminal (105a fig.2) connected to the network (implementing a process automates in response to a "basic authentication request", substitute identifiers are transmitted on demand from servers without any intervention from the user which is a common procedure used by servers to identify users on the World Wide Web, see abstract, fig.2, col.5 line 47 to col.6 line 17 and col.7 lines 19-37); receiving the communications application at the terminal (receiving the substitute identifiers in response to requests, see col.6 lines 17-51) and using the communications application communicate from the terminal over the public data network; wherein, the communications application is configured such that user input data, input to the communications application by user of the terminal, is transmitted into the network

without a record of the data being stored at the terminal that data received at the

terminal by the communications application from the network at the request of the user

is presented to the user without a record of the data being stored at the terminal

(allowing user terminal to anonymously browse server sites using the substitute

identifiers which are transmitted on demand from servers without any intervention from

the user , see col.6 line 38 to col.7 line 38) as rejected above.

Therefore, the examiner asserts that cited prior art teaches or suggests the subject

matter broadly recited in independent claim 1.

Claims 2-12 are also rejected at least by virtue of their dependency on independent

claim and by other reasons set forth in the previous office action [see paper mailed on

8/26/2005]. Accordingly, claims 1-12 are respectfully rejected.

Conclusion

10.   Claims 1-12 are rejected.

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khanh Dinh whose telephone number is (571) 272-

3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m.

to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung, can be reached on (571) 272-3939.   The fax phone number

for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Khanh Dinh

Khanh Dinh
Primary Examiner
Art Unit 2151
1/25/2006